

CRIMINAL HISTORY RECORD CHECKS

GUIDELINES FOR LICENSE EXEMPT CHILD CARE

Our Mission:

- Ensuring safeguards
- Enhancing quality

Introduction and Purpose:

The criminal history record checks are required under Title 11, Chapter 85, Subchapter V of the Delaware Code. The purpose of these checks is to protect children. To this end, persons who are Division of Social Services (DSS) license exempt child care providers, employees, volunteers, or any person who for any reason has direct access to children at a DSS license exempt child care facility shall be subject to a criminal history record check.

It is the position of the Department that license exempt child care providers be free from any prior criminal activity or involvement in substantiated cases of abuse or neglect that may lead to the risk of harm of any child.

What is a criminal history record check?

A state (Delaware) and federal (national) report of a person's entire criminal history and a search of the DSCYF **records** for substantiated cases of child abuse or neglect.

What is contained in the DSCYF records?

Information about persons the Division of Family Services has found cause to believe, or a court has substantiated through adjudication, to have committed child abuse or neglect.

Who is required to have a criminal history record Check?

- All applicants seeking Child Care Development Block Grant funds as relative caregivers and household members 18 and over.
- All employees and volunteers 18 and over who have direct access to children in a DSS license exempt child care facility.

Who conducts the criminal history record check?

The Criminal History Unit, located in the Office of Child Care Licensing, is responsible for processing and reviewing criminal history information consistent with Department policies, procedures and regulations.

What is the process for a criminal history record check?

1. Complete a criminal history record request form (yellow copy is forwarded to the Criminal History Unit, pink copy is taken to Delaware State Police when fingerprinted, white copy is given to the child care person).
2. Schedule a fingerprint appointment with the Delaware State Police by calling 1-800-464-4357. ***Individuals must be fingerprinted within 30 days of application.***
3. Receive a Fingerprint Verification form as proof of being fingerprinted.
4. Delaware State Police forward criminal results to the Criminal History Unit.
5. The Criminal History Unit reports the results of the criminal history record check and makes a recommendation of suitability to DSS.

What are the grounds for denying license exempt child care applicants?

1. Prohibited Offenses are any criminal convictions of a sexually related offense or other offenses against children.

Unsuitable Offenses are criminal convictions other than those that are prohibited. These convictions will be reviewed and evaluated by a Criminal History Specialist in the Criminal History Unit. A recommendation will be made utilizing the following criteria:

- Type of offense (including but not limited to):
 - Offenses against an individual where physical harm or death has taken place.
 - Drug Offenses.
 - Offenses involving weapons, explosive devices or threat of harm.
 - Offenses involving public indecency and obscenity.
 - Offenses that show a disregard of others.
 - Cruelty to animals or deviant behavior.
- Frequency of offenses
- Length of time since offense(s)
- Age at the time of the offense(s)
- Severity of the offense(s)
- Record since the offense(s)
- Current Probationary status as result of the offense(s)
- Delacare Requirements

3. Child abuse or neglect - Cases investigated by the DSCYF identifying the person as a perpetrator in a substantiated case of child abuse or neglect may also result in an unsuitable determination.

For More Information Contact:

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